

FROM McANDREWS, HELD, & MALLOY

(TUE) 9.20'05 15:38/ST. 15:35/NO. 4861050023 P 14

Application No. 09/681,345

Attorney Docket No. 15-IS-5714 (13034IJS01)

REMARKS

The present application includes claims 1-51. Claims 1-51 were rejected by the Examiner. Claims 1, 7, 9, 14, 15, 18, 19, 22, 25, 34, 35, 38, 41, 45, and 49 have been amended by this response. Claims 12, 13, 24, 33, 47, 50, and 51 have been canceled.

By this Amendment and Response, independent claims 1, 14, 25, 34, and 49 have been amended. Claim 1 has been amended to recite storing and retrieving medical services. Claim 14 has been amended to recite requesting, accessing, and activating medical services. Claim 25 has been amended to recite accessing and storing medical services. Claim 34 has been amended to recite storing medical services. Claim 49 has been amended to recite storing and retrieving medical services.

Claims 1-51 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Killcommons et al. (U.S. Patent No. 6,424,996) in view of Rothschild et al. (U.S. Patent Application Publication 2002/0016718).

The Applicant now turns to the Examiner's rejection of claims 1-51 as being unpatentable over Killcommons in view of Rothschild. Killcommons teaches the assembly and communication of multimedia information from a variety of modalities to remote users (abstract). Specifically, Killcommons describes a modality 12 -- a medical device, such as data acquisition equipment for magnetic resonance imaging (MRI), computed tomography (CT), ultrasound (US), nuclear medicine (NM), among others -- that sends data to a server 20 where it may be processed, stored and/or sent to others (col. 7, lines 44-51). The server 20 includes a data

interface 22 for receiving the data, a processing unit 24 for manipulating the data, a storage unit 30 for storing the data, an assembly unit 32 for gathering information, and an e-mail server 36 for sending the gathered information (col. 7, lines 56-61). Additionally, the server 20 includes a user interface 34 that combines with a browser enhancement module in a user's computer (col. 9, lines 22-29).

Notably, while Killcommons communicates medical *images*, it does not teach the communication of other medical content, such as medical *information*, including radiology information, patient information, healthcare practitioner information, library information, and/or administrative information, for example. Additionally, Killcommons does not teach the communication of *medical services*, such as time management tools (calendars, planner, etc.), educational background services (electronic libraries, reference materials, etc.), continued educational services (on-line course, educational materials, etc.), scheduling services (operating room schedulers, equipment schedulers, etc.), administrative services, healthcare practitioner search services, patient status services, and/or healthcare practitioner communication services. Killcommons recites a combination of a server and a "browser enhancement module" for emailing medical images to a "user unit", rather than a portal providing a single access point for access to medical content and medical services (see, e.g., abstract).

Independent claims 1, 14, 25, 34, and 49 have been amended to recite storing, retrieving, requesting, accessing, and/or activating medical services. Accordingly, Killcommons does not teach the limitations claimed in the present application.

With regard to Rothschild, it should be noted that the Rothschild publication cited by the Examiner was filed subsequent to the Karras et al. application currently under examination. The Rothschild publication cited by the Examiner is a continuation-in-part of an application filed

prior to the Karras application, and so the subject matter disclosed in the cited Rothschild reference is only prior art to the extent that the subject matter was disclosed in the earlier filed application.

Rothschild teaches a medical image management system that uses a central data management system to centrally manage the storage and transmission of medical images between remotely located facilities (abstract). Specifically, Rothschild teaches the electronic delivery of medical images to doctors and other interested parties preferably using "push" technology, which delivers an image to a remote image viewing system (see, e.g., page 5, paras. [0036] and [0042]; page 6, paras. [0053-54]). A polling system is provided so that remote or local workstation may request queued data to be delivered that is awaiting delivery in a medical image database management system (page 9, paras. [0089-90]). Additionally, Rothschild provides a system for tracking delivery of the image (page 5, para. [0037] and page 7, para. [0068]).

Rothschild does not teach the communication of other medical content, such as medical *information*, including radiology information, patient information, healthcare practitioner information, library information, and/or administrative information, for example. Additionally, Rothschild does not teach the communication of *medical services*, such as time management tools (calendars, planner, etc.), educational background services (electronic libraries, reference materials, etc.), continued educational services (on-line course, educational materials, etc.), scheduling services (operating room schedulers, equipment schedulers, etc.), administrative services, healthcare practitioner search services, patient status services, and/or healthcare practitioner communication services. Rothschild does not teach a portal providing a single access point for access to medical content and medical services. Rather, Rothschild addresses a

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medical *image* management system capable of communicating medical *images* in the form of electronic records (see, e.g., abstract).

Independent claims 1, 14, 25, 34, and 49 have been amended to recite storing, retrieving, requesting, accessing, and/or activating medical services. Accordingly, Rothschild does not teach the limitations claimed by the present application.

Additionally, although no suggestion is found in the art to combine the email system of Killcommons with the polling image management system of Rothschild, even a hypothetical combination of Killcommons and Rothschild would similarly fail to teach or suggest elements of the claims. As described above, neither Killcommons nor Rothschild teach or suggest storing, retrieving, requesting, accessing, and/or activating medical content and medical services via a portal. Therefore, the Applicant respectfully submits that a combination of Killcommons and Rothschild also fails to teach or suggest all of the elements of the claims.

Furthermore, neither Killcommons nor Rothschild teach or suggest the limitations recited by the dependent claims of the present application. For example, neither Killcommons nor Rothschild recite the use of an authentication unit for authorizing access to the portal or remote data center, as recited in dependent claims 10, 11, 22, 23, 31, 32, 44, and 45. Paragraph 108 of Rothschild, as cited by the Examiner, is new matter that was not disclosed prior to the filing of the present application, and thus does not constitute prior art.

In addition to amending independent claims 1, 14, 25, 34, and 49, dependent claims 7, 9, 15, 18, 19, 22, 35, 38, 41, and 45 have also been amended to recite providing medical services as well as medical content. Accordingly, the Applicant respectfully submits that claims 1, 14, 25, 34, 48 and 49 and their respective dependent claims are patentable for at least the reasons given above.

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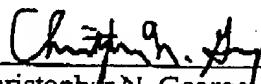
CONCLUSION

The Applicant submits that the present application is in condition for allowance. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of GEMS-II, Account No. 502401.

Respectfully submitted,

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